THE COMMUNITY DIMENSION OF STATE CHILD PROTECTION

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INTRODUCTION

The other day I had a conversation with a civil liberties lawyer about racial inequities in the child welfare system, the institution charged with protecting children from abuse and neglect. America's child welfare system is marked by pronounced and disturbing racial disparities.[1] African American and Native American children are *overrepresented* in the national foster care population.[2] That is, the percentage of the foster care population from these groups is greater than their representation in the general youth population. Black children, for example, make up more than a third of the nation's foster care population, although they represent less than twenty percent of the nation's children.[3] Taken together, children of color comprise only about thirty percent of the general population, but about sixty percent of children in foster care.[4]

Children of color from all major ethnic groups are also *disproportionately* represented in the foster care system compared to white children.[5] That is, they have a greater chance than white children

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1. *See generally* DOROTHY ROBERTS, SHATTERED BONDS: THE COLOR OF CHILD WELFARE (2002).

2. *See id.* at 8 ("Today, *42 percent of all children in foster care nationwide are Black*, even though Black children constitute only 17 percent of the nation's youth."); ALFRED PÉREZ ET AL., DEMOGRAPHICS OF CHILDREN IN FOSTER CARE (2003), *available at* http://pewfostercare.org/research/docs/Demographics0903.pdf; CENTER FOR THE STUDY OF SOCIAL POLICY, THE RACE & CHILD WELFARE PROJECT, FACT SHEET 1: BASIC FACTS ON DISPROPORTIONATE REPRESENTATION OF AFRICAN AMERICANS IN THE FOSTER CARE SYSTEM (2004), *available at* http://www.cssp.org/uploadFiles/factSheet1.pdf.

3. *See* U.S. DEP'T OF HEALTH AND HUMAN SERVS., THE AFCARS REPORT, PRELIMINARY FY 2003 ESTIMATES AS OF APRIL 2005 (10) (2005), *available at* http://www.acf.hhs.gov/programs/cb/publications/afcars/report10.pdf [hereinafter "THE AFCARS REPORT]; PÉREZ ET AL., *supra* note 2.

4. *See* THE AFCARS REPORT, *supra* note 3; PÉREZ ET AL., *supra* note 2.

5. *See* CHILD WELFARE LEAGUE OF AMERICA, CHILDREN OF COLOR IN THE CHILD WELFARE SYSTEM, RACE/ETHNICITY FOSTER CARE RATES, 2000, *available at* http://ndas.cwla.org /research_info/minority_child/.

of being placed in foster care. In fact, in 2000, African American children were four times as likely as white children to be in foster care.[6]

The color of child welfare is most apparent in big cities where there are sizeable minority and foster care populations. In my hometown, Chicago, almost all of the children in foster care are Black.[7] The racial imbalance in New York City's foster care population is equally mind-boggling: of 42,000 children in the system at the end of 1997, only 1300 were white; Black children in New York were ten times as likely as white children to be in state protective custody.[8] But similar disparities also exist in states with smaller minority populations. A recent study by the Minnesota Department of Human Services found that the state's African American children were six times more likely to be assessed for maltreatment and sixteen times more likely to be placed in out-of-home care during an investigation than white children.[9] In 1999, almost nearly one out of every twenty-five African American children in Minnesota had been placed in foster care.[10]

When I spoke with the attorney, I had recently received a report prepared by sociologist Robert Hill that documents extremely high levels of foster care placement of Native American children in several states.[11] I gave her the example of Washington State, where ten percent of all Native American children are in foster care.[12] "Oh my God," she exclaimed. "One out of ten children in Washington is in foster care. That's unbelievable!" "No," I corrected her, "not ten percent of *all* children, ten percent of *Native American* children." "Oh, I see," she replied, her alarm patently dissipating. Of course, the figure is just as disturbing for Native American communities in Washington State, which experience state disruption of and supervision over a large share of their families.[13] But this community impact of state child protection is

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6. *See id*.

7. *See* Natalie Pardo, *Losing Their Children: As State Cracks Down on Parents, Black Families Splinter*, 28 CHI. REP. 1, 7 (1999).

8. *See* Martin Guggenheim, *Somebody's Children: Sustaining the Family's Place in Child Welfare Policy*, 113 HARV. L. REV. 1716, 1718 n.11 (2000) (reviewing ELIZABETH BARTHOLET, NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT, AND THE ADOPTION ALTERNATIVE (1999)).

9. *See* MINN. DEP'T OF HUMAN SERVS., REPORT TO THE LEGISLATURE ON THE STUDY OF OUTCOMES FOR AFRICAN AMERICAN CHILDREN IN MINNESOTA'S CHILD PROTECTION SYSTEM 9 (2002).

10. *See id.*

11. *See* Robert B. Hill, *Overrepresentation of Children of Color in Foster Care in 2000* (Race Matters Consortium, Working Paper No. 6, Nov. 2004), *available at* http://www.racemattersconsortium.org/docs/whopaper6.pdf.

12. *See id.*

13. *See id.*

virtually invisible in the legal, sociological, and social work literature on the child welfare system as well as in research on the importance of communities to child development and family functioning. Just as the impact seemed to disappear from even this socially-conscious lawyer's mind when she associated it with minority children rather than white children, it remains strangely unnoticed by researchers and policymakers.

In this Essay, I want to explore the community dimension of the state's institutional efforts to protect children from abuse and neglect. What connections between communities and child welfare have researchers and policy makers recognized and what connections have they failed to see? Why are some aspects of communities' relationship to child welfare more prominent in research and policy than others?

In the last decade, there has been an explosion of interest among social scientists in the effects of neighborhoods on child development, at the same time, social workers have embraced community-based approaches to child welfare practice. I argue, however, that these neighborhood-oriented approaches to child welfare are far too narrow and leave out a crucial aspect of the relationship between communities and the child welfare system—the impact of the child welfare system itself on neighborhoods that experience high rates of involvement by child protective services. I will discuss how disciplinary and philosophical blinders have obscured this important community dimension of state child protection from scholars and practitioners working in the field. And I will propose an agenda for research that investigates the community-level impact of the spatial concentration of child welfare agency involvement in minority neighborhoods. This agenda should enhance not only the way that scholars understand the community dimension of state child protection, but also the way they understand the significance of racial disparities in the child welfare system.

II. COMMUNITY-BASED CHILD WELFARE RESEARCH

I will first address the community dimensions of state child protection that researchers and policy makers have explored. It is now commonly recognized that communities affect children's development, well-being, and life chances.[14] The traditional African adage "It takes a village to raise a child," popularized by Hillary Clinton's best selling

14. *See, e.g.*, David B. Mitchell, *Building a Multidisciplinary, Collaborative Child Protection System: The Challenge to Law Schools*, 41 FAM. CT. REV. 432, 436 (2003).

book, has become a mantra of child welfare discourse.[15] We take it for granted that growing up in a "good" neighborhood is better for children than growing up in a "bad" one. A mounting branch of social science research confirms this intuition by studying neighborhood effects—the impact of neighborhood characteristics such as poverty, joblessness, and residential stability, as well as community-level social dynamics—on children and families.[16]

William Julius Wilson pioneered this type of research in his landmark 1987 book *The Truly Disadvantaged*, in which he demonstrated that the deindustrialization of central cities beginning in the 1970s resulted in the extreme concentration of poverty and unemployment in African American neighborhoods.[17] Residents of these neighborhoods, he argued, experienced "concentration effects" that imposed additional burdens on them above and beyond those caused by their individual and family characteristics.[18] Since then, numerous researchers have theorized and measured how the concentration of social and economic disadvantage in urban neighborhoods affects residents.[19] The ecological context of neighborhoods became as important a focus of investigation as the demographic features of the people who live in them. Noting that child-related problems "tend to come bundled together at the neighborhood level,"[20] a significant segment of these studies examine how neighborhood social composition and processes influence the well-being of children and adolescents.[21]

The latest research seeks to discover and understand the mechanisms by which living in a disadvantaged neighborhood creates health and behavior problems for children. The influential "Project on

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15. *See* HILLARY RODHAM CLINTON, IT TAKES A VILLAGE: AND OTHER LESSONS CHILDREN TEACH US (1996).

16. *See* Robert J. Sampson, *Transcending Tradition: New Directions in Community Research, Chicago Style*, 40 CRIMINOLOGY 213, 219-20, 222 (2002); Robert J. Sampson, Jeffrey D. Morenoff & Thomas Gannon-Rowley, *Assessing "Neighborhood Effects": Social Processes and New Directions in Research*, 28 ANN. REV. SOC. 443, 446, 457-58, 465 (2002).

17. *See* WILLIAM JULIUS WILSON, THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 12, 135-36 (1987).

18. *Id.* at 58.

19. *See, e.g.*, Todd. R. Clear et al., *Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization*, 20 JUST. Q. 33, 46, 57 (2003); Robert J. Sampson et al., *Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy*, 277 SCI. 918, 921-23 (1997).

20. Robert J. Sampson, *How Do Communities Undergird or Undermine Human Development? Relevant Contexts and Social Mechanisms*, *in* DOES IT TAKE A VILLAGE?: COMMUNITY EFFECTS ON CHILDREN, ADOLESCENTS, AND FAMILIES 3, 6 (Alan Booth & Ann C. Crouter eds., 2001).

21. *See, e.g.*, Jeanne Brooks-Gunn et al., *Do Neighborhoods Influence Child and Adolescent Development?*, 99 AM. J. SOC. 353 (1993).

Human Development in Chicago Neighborhoods" highlights the impact of social disorganization and a concept it coined, "collective efficacy," on informal mechanisms for maintaining order in communities.[22] Collective efficacy refers to neighbors' shared belief in their ability to take joint action on behalf of children's welfare. The project's investigators, Robert Sampson, Steve Raudenbush and Felton Earls, found that neighborhoods with high levels of collective efficacy experience fewer incidents of violence, personal victimization, and homicide.[23] They argue that collective efficacy is the mechanism that helps to mediate the effects of neighborhood characteristics such as poverty and residential stability on violence.[24]

III. COMMUNITY APPROACHES TO CHILD WELFARE PRACTICE

Social work practice in disadvantaged neighborhoods followed suit. Inspired in part by the social science research linking communities and children's welfare, social work theorists and practitioners have increasingly adopted community-based approaches to child welfare decision making and service delivery.[25] They have also emphasized a research agenda that identifies interventions that are most effective at improving neighborhoods' support for families, at increasing neighborhood efficacy, and at helping families to deal with the neighborhoods' negative influences.[26] I would say that the community approach to social work is still on the unorthodox fringe of typical child welfare practice by caseworkers struggling to deal with overloaded caseloads with inadequate resources and training. But community-based initiatives are taking hold in pilot projects scattered across the country and in theorizing about the future direction of social work in the United States.

Some of these initiatives integrate communities in traditional case work that investigates child maltreatment and provides services to individual clients.[27] These programs typically draw on the strengths of families and communities, try to respect cultural norms, and engage in

22. *See* Sampson, *supra* note 19, at 918.

23. *See id.* at 923.

24. *See id.*

25. *See* ANNIE E. CASEY FOUND., TRANSFORMING NEIGHBORHOODS INTO FAMILY-SUPPORTING ENVIRONMENTS: EVALUATION ISSUES AND CHALLENGES 25 (2000).

26. *See id*. at 47.

27. *See, e.g.*, OMG CTR. FOR COLLABORATIVE LEARNING, A COMMUNITY TAKES ON CHILD WELFARE SERVICE DELIVERY: A CASE STUDY OF COMMUNITY-BASED SYSTEM REFORM IN WARD SEVEN OF THE DISTRICT OF COLUMBIA 2 (2002).

partnerships with neighborhood organizations that support families.[28] They may acknowledge a responsibility to be accountable to communities, for example by consulting with neighborhood leaders and stakeholders in setting policy and designing services to families. As one advocate of this approach describes it, "[C]ommunity social work is all about engaging with people to work through their troubles in a collaborative fashion. Community social work draws on and contributes to the resources of the community in dealing with problems."[29]

Other community-based programs operate as an alternative or supplement to child welfare agencies by building the capacity of neighborhoods to provide healthier environments for children to grow up in.[30] Communities are not only included to make social work with families more effective, but are themselves made the organizing principle of child welfare efforts.[31] Recognizing that reforming child welfare and other service systems is inadequate to reverse the devastating consequences of neighborhood disadvantage, community-building initiatives seek to transform the social fabric of poor communities themselves by improving schools, increasing safety, creating jobs, mobilizing civic engagement, and otherwise expanding the resources available to families.[32]

The Annie E. Casey Foundation, a leading supporter of child welfare programs, has spearheaded one of the most sophisticated community-based initiatives that incorporates both community-oriented social work and neighborhood development.[33] Concerned with the failure of child welfare agencies and other support systems to meet the needs of disadvantaged children and families, the Casey Foundation is convinced that "outcomes for children will not improve without fundamental, comprehensive, and durable changes" in these systems.[34] The Foundation's funding philosophy prominently ties system reform to investments in neighborhoods: "The Foundation operates on the premise

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28. *See id.* at 28; Cheryl A. Hosley et al., *Building Effective Working Relationships Across Culturally and Ethnically Diverse Communities*, 82 CHILD WELFARE 157 (2003).

29. Brian Wharf, *Building a Case for Community Approaches to Child Welfare*, *in* COMMUNITY WORK APPROACHES TO CHILD WELFARE 181, 191-92 (Brian Wharf ed., 2002).

30. *See* James P. Connell & Anne C. Kubisch, *Community Approaches to Improving Outcomes for Urban Children, Youth, and Families: Current Trends and Future Directions*, *in* DOES IT TAKE A VILLAGE?, *supra* note 20, at 177.

31. *See* Robert J. Chaskin, *The Evaluation of "Community Building": Measuring the Social Effects of Community-Based Practice*, *in* ASSESSING OUTCOMES IN CHILD AND FAMILY SERVICES: COMPARATIVE DESIGN AND POLICY ISSUES 28, 28 (Anthony N. Maluccio et al. eds., 2002).

32. *See* Marie O. Weil, *Community Building: Building Community Practice*, 41 SOC. WORK 481, 485 (1996).

33. *See* ANNIE E. CASEY FOUND., *supra* note 25.

34. *Id.* at i.

that . . . communities can prosper, families can thrive, and children can develop when neighborhoods are supportive, sustaining, and served by systems that are relevant, respectful, and rooted in the communities that they serve."[35]

In the 1990s, the Annie E. Casey Foundation launched a neighborhood transformation and family development strategy aimed at strengthening the means for communities to nurture families as a way of producing better outcomes for children. The foundation explicitly grounded this grant making strategy in neighborhood effects research, conducting a careful evaluation of the literature's insights and gaps and inviting Felton Earls, Harvard's Director and Principal Investigator of the Project on Human Development in Chicago Neighborhoods, as the keynote speaker at a major conference.[36]

IV. THE SYSTEM'S COMMUNITY IMPACT

The preceding discussion shows that social scientists have examined numerous community characteristics that affect child welfare, as well as the mechanisms that link these characteristics to family functioning and child development. In addition, social work theorists, funders, and practitioners have begun to incorporate these findings in their work with clients in poor neighborhoods.[37] Neither group, however, has identified the child welfare system itself as an aspect of neighborhoods that has a community-wide impact on residents. Social work theory now takes communities into account in prescribing child welfare decision making and services, but does not recognize how child welfare agencies affect communities. Social scientists have yet to investigate the socio-political impact of the spatial concentration of child welfare supervision in these disadvantaged neighborhoods where both researchers and social workers have converged in hordes.

To the extent that neighborhood researchers consider the role of local institutions, they tend to view them as positive resources that help residents to counter the negative consequences of neighborhood disorganization.[38] Robert Sampson, one of the investigators on the Chicago neighborhood project, argues that local institutions such as neighborhood associations, churches, and schools "reflect the structural

35. *Id.*

36. *See id.* at C-1.

37. *See id.* at 38-44.

38. *See, e.g.*, CATERINA GOUVIS ROMAN & GRETCHEN E. MOORE, MEASURING LOCAL INSTITUTIONS AND ORGANIZATIONS: THE ROLE OF COMMUNITY INSTITUTIONAL CAPACITY IN SOCIAL CAPACITY at I (2004).

embodiment of community cohesion."[39] It is a yet unanswered empirical question, however, to what extent intense child welfare agency supervision of families, including high rates of family disruption by placing children in out-of-home care, promotes or hinders communities' collective efficacy.

In addition, the emerging attention to racial disparity in the child welfare system has largely bypassed this important manifestation of racial inequities. Researchers have recently begun to investigate the extent of and reasons for racial disproportionality in child protective services.[40] State welfare departments are also conducting self-examinations concerning this issue.[41] An understudied aspect of the racial disparity in the child welfare system is its *community* impact. There is evidence that many poor Black neighborhoods have extremely high rates of state involvement, especially placement in foster care. For example, in 1997, one out of ten children in Central Harlem had been placed in foster care.[42] In Chicago, most child protection cases are clustered in a few zip code areas, which are almost exclusively African American.[43]

Many Black and Native American children grow up in neighborhoods with a lot of state supervision of children and families while few white children do.[44] What does this mean for the way in which children view themselves, their families, their communities, the government and the relationships among them? These starkly disparate neighborhood experiences are surely an important component of the child welfare system's racial disproportionality. In other words, racial differences in rates of foster care placement affect not only children's individual chances of becoming a ward of the state but also affect children's chances of growing up in a neighborhood where state

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39. Sampson, *supra* note 20, at 10; *see also* Barrett A. Lee, *Taking Neighborhoods Seriously*, *in* DOES IT TAKE A VILLAGE, *supra* note 20, at 31, 35 (arguing that the role of local institutions as neighborhood resources is "an empirical question rather than fact").

40. *See, e.g.*, ROBERTS M. GOERGE & BONG J. LEE, THE ENTRY OF CHILDREN FROM THE WELFARE SYSTEM INTO FOSTER CARE: DIFFERENCES BY RACE (2001); Mark E. Courtney et al., *Race and Child Welfare Services: Past Research and Future Directions,* 75 CHILD WELFARE 99 (1996); Wendy G. Lane et al., *Racial Differences in the Evaluation of Pediatric Fractures for Physical Abuse,* 288 JAMA 1603 (2002).

41. *See, e.g.*, MINN. DEP'T OF HUMAN SERVS., REPORT TO THE LEGISLATURE ON THE STUDY OF OUTCOMES FOR AFRICAN AMERICAN CHILDREN IN MINNESOTA'S CHILD PROTECTION SYSTEM (2002).

42. *See* Alyssa Katz, *Mommy Nearest*, CITY LIMITS, June 2000, http://www.citylimits.org/content/articles/articleView.cfm?articlenumber=337.

43. *See* ROBERTS, *supra* note 1, at 240.

44. Courtney, *supra* note 40, at 100; s*ee also* Andrea Charlow, *Race, Poverty, and Neglect*, 28 WM. MITCHELL L. REV. 763, 765 (2001).

supervision of children is prevalent. The spatial concentration of child welfare agency involvement in African American neighborhoods is what makes the child welfare system a distinctively different institution for white and Black children in America.

Why haven't child welfare researchers, theorists, and practitioners focused more on the community-level impact of the child welfare system? I think the failure to see the child welfare system as a political institution whose effects reach beyond its individual clients stems from both philosophical and disciplinary blinders. Child maltreatment and protection have come to be viewed as intensely individual matters.[45]

Historically, this wasn't the case. In the early twentieth century, progressives like Jane Addams conceived of their child welfare crusade as a social reform movement that addressed a wide range of children's problems.[46] Rescuing children from maltreatment by removing them from their homes was part of a broader campaign to remedy the social ills, including poverty, which harmed children.[47] In contrast to today's welfare restructuring that eliminated the federal safety net for poor families, the early crusaders established pensions for widows and single mothers to reduce the need to remove their children.[48] To be sure, the early reformers judged poor immigrant families by elitist standards and excluded Black children altogether.[49] But they advocated a view of child maltreatment as an urgent social problem that should be addressed through various forms of social welfare.[50] They understood that children's welfare was tied to social conditions that could only be improved by society wide reforms. A simultaneous, but less well known, campaign by Black club women similarly made improving the welfare of disadvantaged mothers and children a central response to racial injustice and path to racial uplift.[51]

By the 1970s, efforts to develop a system rooted in a social vision of child welfare were defeated by the definition of child maltreatment as an individualized problem located in dysfunctional families.[52] The government promoted, and the public came to accept, a medical model of child abuse—child maltreatment as the symptom of individual

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45. *See infra* note 55 and accompanying text.

46. *See* LINDA GORDON, PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 1890-1935, 39-40 (1994).

47. *See id.* at 43.

48. *See id.* at 40.

49. *See id.* at 45-48.

50. *See id.* at 39.

51. *See* Dorothy E. Roberts, *Black Club Women and Child Welfare: Lessons for Modern Reform*, 32 FLA.ST. U. L. REV. 957 (2005).

52. *See* Guggenheim, *supra* note 8, at 1746.

parents' pathologies.[53] Instead of promoting the general welfare of families, child protection authorities intervene only after struggling families are already in crisis, providing special institutionalized services, the chief of which is placing children in foster care. Instead of pursuing social remedies, state agencies typically treat parents' perceived deficits and depravities with coercive and therapeutic cures such as child removal followed by mandated psychological counseling and parental training classes.[54]

As advocates are experimenting with community-based initiatives, the federal government has cracked down on maltreating parents, making it clear in the Adoption and Safe Families Act of 1997 ("ASFA") that state child welfare services' top priority must be child protection and not family preservation.[55] Far from promoting social reforms, ASFA relies on a private remedy—adoption—as the preferred means for reducing the alarming foster care population.[56]

The unit used to measure the impact of child protective services is individual children and their families. In law, judges hold individual parents accountable for harms to children and look to the best interests of the child to decide how to address them.[57] This assessment is supposed to be as particularized as possible, taking into consideration all the special facts of the case.[58] Legal scholars have not developed a mode of analyzing the social utility of the child welfare system, like the familiar utilitarian debate about the deterrent effect of criminal punishment.[59] Judges and legislators usually don't ask whether or not placing more children in foster care will reduce child maltreatment in a community. Although judges are often influenced by media and political pressures, the legal test they apply assesses whether or not placing a particular child in foster care makes her safer than leaving her at home.[60]

Social scientists really ask the same questions, except they

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53. *See* JANE WALDFOGEL, THE FUTURE OF CHILD PROTECTION: HOW TO BREAK THE CYCLE OF ABUSE AND NEGLECT 139 (1998).

54. *See id.*

55. *See* Adoption and Safe Families Act of 1997, Pub. L. No. 105-89 § 101, 111 Stat. 2115, 2116 (1997).

56. The explicit purpose of the Act is "to promote the adoption of children in foster care." *See id.*

57. *See* Kurtis A. Kemper, Annotation, *Construction and Application by State Courts of the Federal Adoption and Safe Families Act and its Implementing Statutes*, 2003 A.L.R. 5th 3, 4 (2005) (collecting an analyzing state cases in which the ASFA and implementing state statutes have been construed or applied).

58. *See id.*

59. *See, e.g.*, Richard A. Posner, *An Economic Theory of the Criminal Law*, 85 COLUM. L. REV. 1193 (1985).

60. *See generally* Kemper, *supra* note 57.

aggregate their findings to provide answers for a population of children. Researchers measure the effectiveness of child welfare policies and practices—for example, the impact of a family reunification program on children's reentry into foster care or the effect of multiple foster care placements on the risk of juvenile delinquency—by accumulating the outcomes for individual children.[61] But sociologists cannot understand the child welfare system's community-level effects by aggregating the effects of foster care placement on individual children.

This type of analysis can be attributed in part to sociology's general romance with the quantitative manipulation of individual-level data. "Computerization enabled widespread access to detailed surveys, high-powered statistics, and complex methodologies, thus allowing sociologists to be as obscure, arcane, and seemingly hard-nosed as economists," sociologist Douglas Massey complains.[62] "Although the quantitative revolution may have enhanced the prestige, visibility, and scientific respectability of sociologists within the academy, its focus on individual-level data and processes came at the cost of understanding the importance of social context in human behavior."[63]

Perhaps in an effort to distinguish the discipline from social work, sociologists also seem to harbor a special aversion to studying the child welfare system as a political institution. They have studied the impact of numerous institutions on community life, from schools, to churches, to prisons.[64] While explaining neighborhood effects on family functioning, they have not treated the child welfare system as an institution that affects social and political relationships.

Despite the recent interest in community-based practice, social work theorists nevertheless share social scientists' focus on individual children and families as the ultimate unit of analysis. The current norm for child welfare practice insists on outcome-based evaluation of services.[65] Researchers have developed methodologies and performance

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61. *See, e.g.*, Courtney, *supra* note 40 (asserting that "children of color and their families experience poorer outcomes and receive fewer services than their Caucasian counterparts" after reviewing a body of child welfare research compiled from individual cases); Matthew Mason et. al., *A Comparison of Foster Care Outcomes Across Four Child Welfare Agencies*, 7(2) J. FAM. SOC. WORK 55 (2003).

62. Douglas Massey, *The Prodigal Paradigm Returns: Ecology Comes Back to Sociology*, *in* DOES IT TAKE A VILLAGE?, *supra* note 20, at 41, 42.

63. *Id.* at 42.

64. *See, e.g.*, Andrew Billingsley & Cleopatra Howard Caldwell, *The Church, the Family, and the School in the African American Community*, 60 J. NEGRO EDUC. 427 (1991); Marc Mauer, *Thinking About Prison and its Impact in the Twenty-First Century,* 2 OHIO ST. J. CRIM. L. 607 (2005).

65. *See, e.g.*, Harriet Ward, *Current Initiatives in the Development of Outcome-Based Evaluation of Children's Services*, *in* ASSESSING OUTCOMES IN CHILD AND FAMILY SERVICES:

indicators designed to help caseworkers and administrators assess the impact their interventions have on the children they serve. Two social work professors from the University of South Carolina define "outcomes" as "advantages for clients."[66] High tech data entry systems enable evaluators to analyze both the individual and aggregate effects of caseworkers' interactions with families. As a British social work scholar writes, England's sophisticated Integrated Children's System:

> provide[s] in electronic format the screens through which social workers gather the information required on their work with individual children, and the point at which outcome-based data can be harvested and aggregated for strategic planning purposes. The aim is to restore the link between individual and aggregate data, so that information about outcome can be used to help both field social workers and managers to identify how services can be made more effective.[67]

All this data collection completely bypasses the impact caseworkers are having on the communities they work in.

The new community-based practice largely involves incorporating information about communities into traditional work with individual clients. Theorists now treat communities as a critical aspect of services to individual families, but they don't acknowledge how communities are affected by agencies' intervention in families. A common response to racial disparities in the child welfare system has been the implementation of "culturally competent" social work practice.[68] The purpose of this approach is to make child welfare services more sensitive to the distinctive needs and customs of minority communities. Learning to be culturally competent helps caseworkers to deliver services more effectively to a diverse clientele and to uncover unrecognized biases in their view of minority families.

But this strategy doesn't necessarily acknowledge the most significant implications of the system's racial disparities. Without recognizing and addressing the system's institutional relationship to minority communities, teaching caseworkers to be culturally sensitive is just as likely to help them to regulate minority families more effectively. Social work scholars have noted that cultural sensitivity "increases client

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COMPARATIVE DESIGN AND POLICY ISSUES 6 (Anthony N. Maluccio et al. eds., 2002); Lois Wright & Kathy Paget, *A Learning-Organization Approach to Evaluation*, *in id.* at 127.

66. Wright & Paget, *supra* note 65, at 127.

67. Ward, *supra* note 65, at 15.

68. JULIA P. FORTIER & DAWN BISHOP, U.S. DEP'T HEALTH AND HUMAN SERVS., SETTING THE AGENDA FOR RESEARCH ON CULTURAL COMPETENCE IN HEALTH CARE 9 (Cindy Brach ed., 2004), *available at* http://www.omhrc.gov/cultural/cultural18.htm (follow link to download entire document).

receptiveness to intervention."[69] Whether this is a good thing depends on the nature of the intervention. This remedy might also convince caseworkers, administrators, and judges that they are acting fairly while the system they are administering continues to have negative consequences for the communities in which it is concentrated.

V. CONCLUSION: TOWARD A NEW RESEARCH AGENDA

In my book *Shattered Bonds: The Color of Child Welfare*, I hypothesized that intense levels of state supervision of children and their families have negative consequences for family and community networks that are supposed to prepare children for civic life and self-governance.[70] Investigation of parents by caseworkers often results in years of agency regulation of families and placement of children in foster care. This intervention in families by public child welfare agencies is seen as necessary to protect children from maltreatment. In devising child welfare policy and practice, however, policymakers should try to minimize any harm that is inflicted by state supervision of children and families. They might invest more in developing community-building alternatives to the current reliance on coercive interventions and foster care that are less costly both in monetary and human terms, but that protect children as well. It is impossible to evaluate the costs and benefits of the current approach if the impact of state supervision, including its community-level effects, has not been studied.

Although researchers have neglected the community-level impact of child welfare agencies, social scientists and legal scholars have studied the community-level impact of high incarceration rates in African American neighborhoods.[71] Poor African American communities have felt the brunt of the staggering build up of the prison population over the last thirty years. Research in several cities reveals that the exit and reentry of inmates, like that of children in foster care, is geographically concentrated in the poorest, minority neighborhoods.[72] A host of empirical studies conducted in the last decade find that incarceration has become a systematic aspect of community members'

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69. Margaret S. Sherraden & Uma A. Segal, *Multicultural Issues in Child Welfare,* 18 CHILD. & YOUTH SERVS. REV. 497, 502 (1996).

70. *See* ROBERTS, *supra* note 1, at 236-54.

71. *See, e.g.*, Dorothy E. Roberts, *The Social and Moral Cost of Mass Incarceration in African American Communities*, 56 STAN. L. REV. 1271 (2004).

72. *See* Clear et al., *supra* note 19; Jeffrey Fagan et al., *Reciprocal Effects of Crime and Incarceration in New York City Neighborhoods*, 2-3, 14 (Columbia Law Sch. Pub. Law & Legal Theory Working Paper Group, Paper No. 03-54, 2003), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=392120.

family affairs, economic prospects, political engagement, social norms, and childhood expectations for the future.[73]

As I summarized elsewhere, "Three main theories explain the social mechanisms through which mass incarceration harms the African American communities where it is concentrated: Mass imprisonment damages social networks, distorts social norms, and destroys social citizenship."[74] The literature on the community-level effects of mass incarceration provides a useful model for research on the community-level effects of child welfare agency involvement concentrated in African American neighborhoods.

I have embarked on a qualitative case study that examines the impact of spatial concentration of child welfare agency involvement in a Chicago neighborhood with a high rate of cases with the Illinois Department of Children and Family Services ("DCFS").[75] Specifically, my objectives are: 1) to learn how high rates of child welfare agency involvement affect community life; 2) to learn how intense agency involvement affects residents' social networks and civic participation; and 3) to understand how concentrated agency involvement shapes residents' attitudes about government and self-governance. I hope that this study will begin to fill a major gap in the research on racial disparities in the child welfare system in particular and on the impact of child welfare policy in general. It expands the focus of current research on child welfare policy and practice from individual children to communities and from child development to civic participation. It also extends the current social science theorizing on neighborhood effects and mechanisms to the interaction of the child welfare system and communities.

I am also interested in matching this study with one involving a white Chicago neighborhood where most children probably have no idea what DCFS stands for. There are no white neighborhoods in Chicago that have rates of foster care placement anywhere near those of some Black neighborhoods.[76] As Douglas Massey points out, "sociologists spend way too much time thinking about, studying, and documenting poverty and its concentration, and not nearly enough time analyzing affluence and its geographic concentration."[77] It is important to

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73. *See* Fagan et al., *supra* note 72, at 3-4.

74. Roberts, *The Social and Moral Cost of Mass Incarceration in African American Communities*, *supra* note 71, at 1281.

75. INST. FOR POL'Y RES., HIGH RATES OF CHILD WELFARE AGENCY INVOLVEMENT IN AFRICAN AMERICAN NEIGHBORHOODS: THE IMPACT ON COMMUNITY AND CIVIC LIFE (forthcoming 2006).

76. *See supra* note 43 and accompanying text.

77. Massey, *supra* note 62, at 44.

understand the advantages to children of growing up without the specter of coercive state involvement in their families and communities. After all, this is the relationship between the state and families contemplated by our constitutional democratic order. And it is the expectation we have for white children in America. That is perhaps why the civil liberties attorney mentioned in the Introduction was so aghast at the thought of making ten percent of all children in Washington wards of the state. I hope the research agenda I propose will help to explain why we should not stand for this in the case of nonwhite children either.